

## ***Saint Paul Pioneer Press (Minnesota)***

# **Lawyer is pro pro bono**

**By Dave Beal**

*November 2, 2003*

A new campaign to persuade Minnesota lawyers to donate more of their time to worthy causes is gathering momentum.

Minneapolis attorney Jim Baillie, president of the Minnesota State Bar Association, is leading the drive.

Cutbacks in legal aid to the disadvantaged lend fresh impetus to the campaign. The cuts, coming on many fronts, reflect tougher economic times.

In part, the campaign is based on the belief that the legal profession has the capacity to do more. The profession, once a relatively small and stable field, has become a much larger player in Minnesota's economy.

Baillie says the state currently has about 23,000 licensed attorneys, up more than 200 percent from the roughly 7,000 counted by the Minnesota Supreme Court in 1974. The state's overall work force has grown much more slowly, about 65 percent, during that period.

That many lawyers and their considerable expertise would suggest a vast reservoir of potential assistance to the needy.

"Law is a significant part of the economy," says Baillie. "In fact, it is a big business."

Baillie is a past head of the American Bar Association's pro bono committee. Pro bono is a Latin term meaning "for the good."

He has long been a champion of bringing more legal services to the poor.

Now, he is making the cause his top priority as the state bar association's leader.

Leaders in the legal profession have long encouraged lawyers to engage in more pro bono activity, but the ABA didn't focus on the issue until 1983. Then, the association adopted a model rule urging attorneys to render public interest legal services. In 1993, it got specific, amending the rule to recommend at least 50 pro bono hours every year.

The rule is voluntary. But Florida, Maryland and Nevada now require attorneys to report annually how many pro bono hours they clock.

Minnesota is among 43 states that have adopted some version of the ABA rule.

When the ABA amended the rule, it challenged large law firms to contribute at least 3 percent of their billable hours annually to pro bono causes.

Baillie says firms in the Twin Cities responded more affirmatively than anywhere else. All of the 10 largest firms here took up the challenge.

Baillie's firm, Fredrikson & Byron, has a "pro bono coordinator" -- attorney Pam Wandzel. Every year, Wandzel puts out a "pro bono and community service report" that identifies those at the firm who donated more than 50 hours and how many hours they gave.

The types of cases, the clients and the issues that lawyers take up on behalf of the disadvantaged are extremely diverse. For example, the Fredrikson firm's latest pro bono report highlights cases as diverse as an international kidnapping matter and advocacy for children in court hearings. It also mentions representing individuals and small businesses in disputes with landlords and advising entrepreneurs on a variety of issues.

Other large law firms here produce similar reports on pro bono activities.

But is this enough to satisfy the need?

Baillie says it's not enough, either measured by pro bono hours or broader public service activities such as serving on community boards.

"My message to the public is that lawyers really do a lot in the way of public service. My message to the lawyers is we need to do more."

All lawyers take in a broad universe. Baillie cites estimates that 60 percent of all practicing lawyers work in smaller or solo firms; 15 percent as in-house attorneys for businesses; 15 percent for governments; and 10 percent at the large firms.

He says that when all the smaller hits are added up, recent budget cuts have dealt a serious blow to legal services programs for the poor:

- \* Minnesota Gov. Tim Pawlenty's administration "un-allotted" 3 percent of legal services money appropriated for fiscal 2003.

- \* The state's fiscal 2004-05 budget dealt these services another cut, 3.1 percent.

- \* Funds generated by interest on lawyers' trust accounts, which are routed by the Supreme Court to legal aid for the poor, have fallen because of declining interest rates.

- \* Donations from foundations and the United Way have slipped.

\* County governments have been trimming budgets for legal services.

\* Federal funding for such services has fallen.

In last month's edition of the state bar association's Bench and Bar magazine, Baillie outlined a 10-point plan to find 500 new volunteers and identify 1,000 new cases for them to work on.

The plan includes a new "business law pro bono program" that calls on business lawyers to assist nonprofits and tiny businesses.

It calls for managing partners of law firms, corporate counsels and judges to discuss legal services for the disadvantaged at regular meetings.

It pledges to build a database for reporting pro bono services, puts into play processes for boosting such activity among law school students, and adds a part-time person at the state bar association to get out the message about the program.

And it sets up new ways to match the talents of particular lawyers to people who need specific services.

There is wide disagreement about how much poor people need legal services. Baillie says the conventional wisdom is that only 20 to 25 percent of the need is being met.

Whatever the number, the availability of such services is falling far short of the need for them.

"Everyone who knows anything about this subject will agree with that," concludes Baillie.

"We're asking all lawyers, in all situations, to step forward."